



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 130-3	Subject: REPORT OF VIOLATION FOR OUT-OF-STATE OFFENDERS SUPERVISED IN MONTANA	
Reference: 46-23-1115, MCA ; P&P 100-1; P&P 100-2	Page 1 of 4	
Effective Date: 06/01/00	Revision Dates: 09/04/01; 06/17/02; 03/06/04; 03/01/05; 08/01/05; 06/12/06; 08/20/07; 04/22/08	
Signature / Title: /s/ Ron Alsbury		

I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees will promptly follow established procedures to notify the sending state of violations.

II. DEFINITIONS:

None

III. PROCEDURES:

Montana (MT) may detain an out-of-state offender who has committed a crime against the laws in MT and hold a preliminary on-site hearing (probable cause hearing) on that offense. Officers shall utilize the *Offender Violation Report* to document violations.

PROCEDURE FOR OFFENDER VIOLATION – NO NEW CHARGES

PROCEDURE:

RESPONSIBILITY:

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| 1. The offender's status is determined and alleged violations thoroughly investigated. | P&P Officer |
| 2. Staff the violations with supervisor to determine if an intervention hearing is appropriate or if the offender should be revoked and returned to the sending state. | P&P Officer
RA or POII |
| 3. If it is determined the violations do not warrant an <i>Offender Violation Report</i> to be filed, an intervention hearing can be held to address the violations. A <i>Progress Report</i> is to be completed and submitted to the MT Interstate Unit with attached <i>140-5 (A) Intervention Hearings Summons</i> and <i>140-5 (B) Intervention Hearing Agreement</i> within 30 days of the violation. | P&P Officer |

If it is determined to proceed with revocation and return of the offender to the sending state, the *Offender Violation Report* is completed within 30 days of the violation. If an intervention hearing was held prior on violations, those violations should be placed under the "Previous

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Violation” section of the *Offender Violation Report*. If MT accepted the offender under special added conditions, these conditions can be used as violations. The *Offender Violation Report* should cite the Sending State’s Rule that was violated. If MT accepted the offender under a special condition, then the officer will list this violation as “Montana Special Condition” (description).

Examples:

Arizona Rule #5 Residence: On 10/15/04, John Smith moved to a new apartment without the permission of his supervising officer.

Montana Special Condition – The Offender will not be allowed to own, possess, or have access to computers: On 10/15/04 a home check was conducted of the offender’s residence. A computer was confiscated on this date.

4. A preliminary on-site hearing (probable cause) is conducted as soon as possible if an Offender Violation Report is submitted and the offender did not waive the hearing. Refer to *P&P 140-2 Onsite Hearings* Procedure.

No hearing is necessary when offender has waived the hearing and admitted to one or more of the violation(s). The Officer will use form *P&P 140-2 (E) Notice/Waiver of On-Site Hearing for Interstate Offender* to document the waiver.

P&P Officer
Hearings Officer
5. One copy of the *Offender Violation Report* and *P&P 140-2 (E) Notice/Waiver of On-Site Hearing for Interstate Offender* with admission and/or *P&P 140-2 (A) Summary of On-Site Hearing* is submitted to the MT Interstate Unit.

P&P Officer
6. These documents are forwarded to the sending state requesting a response of what action will be taken. ***Sending state shall respond to the Offender Violation Report within 10 business days by utilizing the Response to Violation Report.**

MT Interstate Unit
7. Field warrant may be issued by MT Officer if the offender is determined to be a risk to the community or risk to abscond supervision.

P&P Officer
- * **An interstate offender shall not be admitted to bail if retaking procedures have been instituted by the sending or receiving state (MT).**
8. According to the Interstate Commission Policy, if the offender is not extradited, MT will continue supervision of the offender as directed for the length determined by the sending state.

P&P Officer

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| 9. If offender is extradited to sending state, the Officer completes and forwards a <i>Notice of Departure</i> and <i>Case Closure Notice</i> to the MT Interstate Unit closing the case. | P&P Officer |
| 10. ACIS data entry is completed after case is closed due to extradition. | P&P Officer
MT Interstate Unit |

PROCEDURE FOR OFFENDER VIOLATIONS- NEW CHARGES

PROCEDURES:

RESPONSIBILITY:

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| 1. If the offender is in custody on new charges, circumstances of the arrest and any other pertinent documents are sent to MT Interstate Unit. An <i>Offender Violation Report</i> must be written if the Officer is recommending further action be taken when the charges are disposed of. The Officer should include any technical violations. One copy of the <i>Offender Violation Report</i> will be submitted to the MT Interstate Unit. In a case where new charges are pending and there are no previous violations, no hearing is required as the new charges will be processed through the court system. If charges are dropped or the offender is found not guilty, a preliminary on-site hearing (Probable Cause Hearing) (or <i>P&P 140-2 (E) Notice/Waiver of On-Site Hearing for Interstate Offender</i>) will be required if there are other violations to be reported. The offender may be detained if the Officer determines the offender to be a risk to the community or risk to abscond supervision by issuing a field warrant. | P&P Officer |
| * An interstate offender shall not be admitted to bail if retaking procedures have been instituted by the sending or receiving state (MT). | |
| 2. MT Interstate Unit is kept informed and up to date of the status and/or final disposition on any pending charges or results of court hearing via phone, fax or e-mail. | P&P Officer |
| 3. The MT Interstate Unit forwards information to sending state to determine what action the sending state will take. *Sending state shall respond to the <i>Offender Violation Report</i> within 10 business days by utilizing the <i>Response to Violation Report</i>. | MT Interstate Unit |
| 4. If not returned to the sending state, supervision of the offender is continued and carried out at the direction of the sending state. | P&P Officer |
| 5. If offender is extradited to sending state, the Officer will complete the <i>Notice of Departure</i> and <i>Case Closure Notice</i> and forward to the MT | P&P Officer |

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Interstate Unit. MT Interstate will forward both to the sending state closing the case.

5. ACIS data entry is completed after case is closed due to extradition. MT Interstate Unit

III. CLOSING:

Questions concerning this procedure shall be directed to the Regional Administrator or the Deputy Compact Administrator.

Forms

Interstate	Case Closure Notice
Interstate	Notice of Departure
Interstate	Offender Violation Report
P&P 140-2 (A)	Summary of On-Site Hearing
P&P 140-2 (E)	Notice/Waiver of On-Site Hearing for Interstate Offender
P&P 140-5 (A)	Intervention Hearing Summons
P&P 140-5 (B)	Intervention Hearing Agreement